

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RSC

March 19, 2021

Cancellation No. 92067794 (parent)

Cancellation No. 92069499

*Joshua S. Schoonover*¹

v.

The Burton Corporation

Rebecca Stempien Coyle, Interlocutory Attorney:

On January 27, 2021 the Board noted Petitioner's notices of election to take the oral cross-examinations of Respondent's witnesses, and reset the proceeding schedule including allowing Petitioner thirty days to complete the noticed cross-examinations.

On February 12, 2021, Petitioner filed a consented motion to extend the time to complete the noticed cross-examinations until February 12, 2021, as well as revised notices. Petitioner's motion specifically requests that the remainder of the proceeding schedule as set forth on January 27, 2021, remain. On March 14, 2021, Petitioner filed transcripts from the testimony depositions of Steven Cooley, Christopher L. Cunningham, and Mark D. Wakeling.

¹ The Board notes Petitioner's February 11, 2021, notice of appearance. Board records have been updated accordingly.

Petitioner's February 12, 2021 consented motion to extend the time to complete the noticed cross-examinations is granted. Dates otherwise remain as set in the Board's January 27, 2021 order:

Plaintiff's Opening Brief Due	5/13/2021
Defendant's Brief Due	6/12/2021
Plaintiff's Reply Brief Due	6/27/2021
Request for Oral Hearing (optional) Due	7/7/2021

The Federal Rules of Evidence generally apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).